

United States District Court
for
Middle District of Tennessee

Petition for Warrant for Offender Under Supervision

Name of Offender: Derrick Smith

Case Number: 3:07-00133

Name of Judicial Officer: Honorable William J. Haynes, Jr., Chief U.S. District Judge

Date of Original Sentence: January 25, 2010

Original Offense: Convicted Felon in Possession of a Weapon, 18 U.S.C. § 922(g)(1)

Original Sentence: 36 months' custody; 36 months' supervised release

Type of Supervision: Supervised Release

Date Supervision Commenced: September 26, 2011

Assistant U.S. Attorney: William Deneke

Defense Attorney: Patrick Frogge

PETITIONING THE COURT

 X To issue a Summons.
 To issue a Warrant.

THE COURT ORDERS:

- ☐ No Action
☐ The Issuance of a Warrant:
 ☐ Sealed Pending Warrant Execution
 (cc: U.S. Probation and U.S. Marshal only)
☒ The Issuance of a Summons.
☐ Other

Considered this 20th day of September, 2013,
and made a part of the records in the above case.



William J. Haynes, Jr.
Chief U.S. District Judge

I declare under penalty of perjury that the foregoing is true and correct.

Respectfully submitted,



Lisa L. House
U.S. Probation Officer

Place Clarksville, TN

Date September 17, 2013

ALLEGED VIOLATIONS

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation No. Nature of Noncompliance

1. **The defendant shall participate in a program of drug testing and substance abuse treatment which may include a 30-day inpatient treatment program followed by up to 90 days in a residential reentry center at the direction of the probation officer.**

Derrick Smith was enrolled in intensive outpatient treatment at Centerstone on June 17, 2013. Mr. Smith has missed 26 group sessions since his start date of June 17, 2013. He has attended 9 sessions as of the date of this writing.

Mr. Smith also failed to submit to random drug testing on August 21, 2013.

2. **The defendant shall pay a \$100 special assessment.**

Derrick Smith has a remaining special assessment balance of \$25.

Compliance with Supervision Conditions and Prior Interventions:

Derrick Smith was sentenced to 36 months' custody to be followed by 36 months' supervised release for the offense of Convicted Felon in Possession of a Weapon on January 25, 2010. The term of supervised release commenced on January 26, 2011. Mr. Smith was arrested in Clarksville, Tennessee, on October 4, 2012, for Driving Under the Influence, Implied Consent, and Simple Possession. He tested positive for marijuana on January 23, 2013, February 8, 2013, February 13, 2013, February 26, 2013, and March 10, 2013. Mr. Smith was cited in Clarksville, Tennessee, for Driving on a Suspended License. Mr. Smith was also cited on June 27, 2013, in Oak Grove, Kentucky, for Driving on a Suspended License. These violations were previously addressed by the Court on February 14, 2013. Mr. Smith requested substance abuse treatment, and the Court added a condition for substance abuse treatment in an order dated February 14, 2013. Mr. Smith was enrolled in intensive outpatient substance abuse treatment on June 17, 2013, in accordance with the therapist's recommendation. He has missed 26 group sessions since his enrollment and attended 9 group sessions. Mr. Smith advised that transportation issues are a barrier in regards to his attending substance abuse treatment and testing as directed. Mr. Smith reports employment at Sheem Automotive. He has not provided the probation officer with any required verification of this employment. Mr. Smith has been instructed to pay the remaining \$25 special assessment balance.

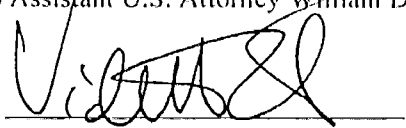
Update of Offender Characteristics:

There is no additional information relevant to this section that has not already been provided in this petition.

U.S. Probation Officer Recommendation:

It is respectfully recommended that a summons be issued for Derrick Smith, so that he may appear before the Court to answer to the violation behavior outlined above. This case and its related incidents have been reported to Assistant U.S. Attorney William Deneke, who concurs with the recommendation.

Approved: _____



Vidette Putman

Supervisory U.S. Probation Officer

SENTENCING RECOMMENDATION
UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE
UNITED STATES V. DERRICK SMITH, CASE NO. 3:07-00133

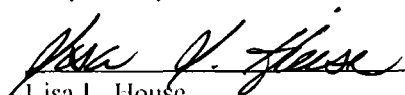
GRADE OF VIOLATION: C
CRIMINAL HISTORY: III

ORIGINAL OFFENSE DATE: POST APRIL 30, 2003 **PROTECT ACT PROVISIONS**


	<u>Statutory Provisions</u>	<u>Guideline Provisions</u>	<u>Recommended Sentence</u>
CUSTODY:	2 years (Class C felony) <i>18 U.S.C. § 3583(e)(3)</i>	5-11 months	No recommendation
SUPERVISED RELEASE:	36 months	36 months less any term of imprisonment <i>18 U.S.C. 3583(h)</i>	No recommendation

Guideline Policy Statements: Upon a finding of a Garde C violation the Court may (A) revoke probation or supervised release; or (B) extend the term of probation or supervised release and/or modify the conditions of supervision. U.S.S.G. § 7B1.3(a)(2).

Respectfully Submitted


Lisa L. House
U.S. Probation Officer

Approved:


Vidette Putman
Supervisory U.S. Probation Officer